



Michael S. Miller for Human Rights Watch, 2001

Kosovo

# **UNDER ORDERS**

**War Crimes in Kosovo**

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**HUMAN RIGHTS WATCH**

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## Introduction

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**T**his report's main aim is to document the war crimes committed by Serbian and Yugoslav government forces in Kosovo between March 24 and June 12, 1999—the period of the NATO bombing of Yugoslavia. Through well-researched case studies, as well as scientifically rigorous statistical analysis, the goal is to provide a credible account of the terrible events that have taken place in the hope that the perpetrators will be brought to justice.

At the same time, the report acknowledges that Serbian and Yugoslav government forces did not have a monopoly on abusive behavior. The report therefore provides documentation of international humanitarian law violations committed by the Kosovo Liberation Army (KLA) as well as by the North Atlantic Treaty Organization (NATO).

Given the intense focus on Kosovo in 1999, it is not surprising that similar studies documenting violations of international humanitarian law in the province have already appeared, including a two-volume work by the Organization for Security and Cooperation in Europe (OSCE), as well as numerous reports by nongovernmental organizations. We hope that this report breaks new ground by providing both a broad and detailed account of war crimes in Kosovo, along with the political background and context of the conflict. By including first-hand accounts and testimony, the report also gives voice to the innocent victims of war.

Given the poisonous atmosphere in post-conflict Kosovo, with regular attacks on Serbs and Roma, one must ask whether this report will remind people of past crimes and perhaps provoke further revenge. Is it worth dredging up these terrible stories?

First, it is crucial to provide a historical record. Along with the other reports produced thus far, *Under Orders: War Crimes in Kosovo* will hopefully help future generations to understand better both the conflict and the region. Second, the evidence presented here will be of assistance to war crimes investigators in putting together cases against the Serbian and Yugoslav leadership, as well as against members of the KLA. Assigning individual accountability can help dispel the notion of collective guilt. Lastly, some sectors of Serbian society have expressed interest in evaluating the past. This report might assist that process by providing facts and analysis.

The report presents an overview of the Serbian and Yugoslav government campaign between March and June 1999, with an analysis of the governments' aims and strategies and a breakdown of the kinds of abuses documented, both by region and type of abuse. Another chapter provides a detailed description of the forces in the conflict, including the chain of command of the Serbian police, Yugoslav Army, and the KLA. The crux of the report follows: chapters that document the abuses committed in particular geographic areas, usually defined by municipality.

The report includes a chapter of statistical analysis, prepared in conjunction with the Science and Human Rights Program of the American Association for the Advancement of Science (AAAS), which uses data gleaned from more than 600 Human Rights Watch interviews to examine the trends and patterns of the crimes committed that may not be evident from narrative information. The numbers and graphs help deal in a systematic way with the reports of violations, as well as lend credence to the argument that the Serbian and Yugoslav government campaign of murder, destruction, and "ethnic cleansing" was systematic and well organized.

In a chapter on the background to the conflict, the report provides an analysis of the history and human rights abuses that precipitated the armed conflict. A constant theme is the international community's willingness to turn a blind eye to these abuses in the interest of short-term political stability, and the West's lack of a strategic approach to the region.

Three other chapters are of great importance, although they fall outside the main focus of the report. One deals with violations after NATO's entry into Kosovo on June 12, 1999, primarily abuses by ethnic Albanians against non-Albanians—Serbs, Roma, Gorani, and others—and the international community's inability and apparent unwillingness to protect these populations. The Background chapter also presents important material about war

crimes committed by the Kosovo Liberation Army in 1998, including hostage-taking and summary executions. Another chapter addresses NATO's violations of international humanitarian law, specifically the alliance's failure to minimize civilian deaths during the bombing campaign and its use of cluster bombs. A more comprehensive report on the NATO bombing, *Civilian Deaths in the NATO Air Campaign*, was published by Human Rights Watch in February 2000.

Lastly, the report contains a detailed chapter on the international and domestic legal standards that apply to the Kosovo conflict and a chapter describing the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY).

Without question, the serious violations being committed by some Albanians in Kosovo today require urgent attention. In addition to the documentation provided in this report, Human Rights Watch has repeatedly condemned these abuses, most comprehensively in a report issued in August 1999, *Abuses Against Serbs and Roma in the New Kosovo*. This report, however, focuses primarily on the crimes committed against ethnic Albanians during the NATO bombing—crimes that were both wide-ranging and carefully planned by a government. As this report shows, Kosovo from March to June 1999 experienced a coordinated, state-sponsored campaign of killings and expulsions.

## METHODOLOGY

**H**uman Rights Watch began documenting human rights violations in Kosovo in 1990. A series of reports then and in subsequent years was based primarily on field missions to the province.

The nature of the research changed in 1998 with the beginning of the armed conflict. Four missions in that year and early 1999, including one to northern Albania, focused on documenting violations of international humanitarian law by all sides in the conflict.

On March 28, 1999, four days after the commencement of NATO bombing, Human Rights Watch dispatched its first researcher to Macedonia, followed the next day by a researcher sent to Kosovo's border with northern Albania. For the duration of the war, researchers were based in both places. Brief fact-finding trips to Montenegro and Bosnia to interview the refugees

being expelled from the province were added to ensure more complete coverage. Visa restrictions and security concerns did not allow travel within Kosovo.

In general, the research had two aims: to identify and draw public attention to the crimes being committed and to assist the investigations of the ICTY. The former was done by methodically documenting the most serious abuses through the testimony of refugees, as well as trying to discern the patterns of abuse. "Kosovo Flashes" were produced with updates from the field on a near-daily basis and released to the public. Several lengthier, more in-depth reports were also released during this period. Human Rights Watch assisted ICTY investigators by alerting them to alleged crimes and, at times, introducing them to potential witnesses.

All information was based on refugee accounts, because foreign press and human rights monitors had been expelled from Yugoslavia. Still, the consistency of the refugee statements and their high degree of corroboration allowed a fairly accurate picture to be formed.

On June 13, 1999, a Human Rights Watch researcher entered Kosovo just after NATO troops. At least one researcher remained in the province for the next six months to investigate first-hand the extent of the crimes. The strategy was to look into those incidents that Human Rights Watch had reported on in its initial reports, such as those occurring in Meja, Djakovica (Gjakove), and Velika Krusa (Krusha e Madhe). In addition, many new sites were chosen in order to get a full geographic representation of the abuses.

The accuracy of the refugee accounts was astounding. In virtually all of the sites visited by Human Rights Watch after the war, researchers found the facts to be as the refugees in Albania and Macedonia had claimed, down to the names and ages of victims. In one village in the Suva Reka municipality, for example, the bodies of twelve elderly men were found, eleven of them in the village well. Six weeks before, women refugees from the village had told Human Rights Watch that eleven elderly men had been taken away by the Serbian police (the twelfth man was detained after they had left). All of the names matched.

With time, many previously unreported incidents surfaced. The executions in Shraravina went unreported because witnesses had remained trapped in Drenica. The killings at Dubrava prison were not known because the survivors had been transferred to prisons inside Serbia. Human Rights Watch pursued these and other cases, although many incidents had to

remain uninvestigated due to the sheer number of sites across the province at which atrocities had occurred. Most of the sites of major killings, however, are covered in this report, with a few notable exceptions, such as Kotalina (Kotline), Kacanik, Lukare (Llukare) Duz (Dys), Goden, and Beleg. In general, incidents in the municipalities of Podujevo (Podujeve) and Kosovo Polje (Fushe Kosove) are also under-reported.

As with all research of this kind, there are limitations. Witnesses and victims sometimes had trouble remembering the details of events due to the extreme trauma they had experienced. In some cases, they had been instructed by the KLA not to speak of certain events. All of these complications have been taken into account. Multiple sources were always interviewed for each and every incident in this report. All facts have been corroborated by at least a second source. Whenever necessary, sources are cited in an endnote. In addition, Human Rights Watch researchers visited all of the large-scale killing sites mentioned in this report, inspecting the physical evidence that remained.

The naming of alleged perpetrators was undertaken with particular care. Although Kosovar Albanians often did not know their tormenters, a few names are mentioned in this report. For each, at least three independent sources confirmed their participation in a crime.

## ON NAMES AND TERMINOLOGY

**M**uch confusion stems from the existence of both Albanian and Serbian names for villages and towns in Kosovo, as well as for the province itself (“Kosova” in Albanian and “Kosovo and Metohija” in Serbian). For the sake of clarity and consistency, Human Rights Watch provides both the Serbian and the Albanian name at first mention of any location. Subsequent references are in the Serbian language only, since this is the English language practice (for example, Pristina and not Prishtina). Names of individuals are always in the spelling of that person’s mother-language and ethnicity, i.e. all Albanian names are spelled in Albanian. Again for the sake of simplicity, accents and diacritics are not used.

The Federal Republic of Yugoslavia—comprised of Serbia and Montenegro—is referred to as “Yugoslavia.” The Former Yugoslav Republic of Macedonia is called “Macedonia.” Bosnia and Hercegovina is called “Bosnia.”

Much care has been taken to avoid possible recriminations against the witnesses and victims who provide testimony in this report. Although some names are provided when there is no perceived danger, Human Rights Watch has withheld the identity of many sources, even if permission was granted to use a name in full. As such, many witness and victim names are presented either as initials or, when stated, changed entirely. Two villages where rapes are known to have taken place are not mentioned by name.

## Glossary

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AK47/Kalashnikov	Russian or Chinese-made semi-automatic rifle
APC	Armored Personnel Carrier
Arkan	Real name, Zeljko Raznjatovic, paramilitary leader during the wars in Croatia and Bosnia-Herzegovina. Indicted by the International Criminal Tribunal for the former Yugoslavia (on September 30, 1997, and publicly on March 31, 1999); wanted by Interpol. Shot dead in Belgrade by unknown assailants, February 2000
Arkan's Tigers	Serbian paramilitary formation run by "Arkan"
Black Hand	Serbian paramilitary group
CDHRF	Council for the Defense of Human Rights and Freedoms, Kosovo-based human rights organization
Chetnik	Term with connotations to First World War Serbian combat forces under Kosta Pecenac, and to Second World War combat forces under Draza Mihailovic. The term, now derogatory, is used to indicate a hard-line nationalistic Serb
DM	Deutschmark/German mark, widely used as hard currency in Kosovo



DU	Depleted Uranium
EU	European Union
FRY	Federal Republic of Yugoslavia
ICRC	International Committee of the Red Cross
ICTY	(United Nations) International Criminal Tribunal for the former Yugoslavia
IDP	Internally displaced person
IOM	International Organization for Migration
KDOM	Kosovo Diplomatic Observer Mission
KFOR	(NATO) Kosovo Force
KLA	Kosovo Liberation Army ( <i>Ushtria Clirimtare e Kosoves</i> (UCK) in Albanian)
KPC	Kosovo Protection Corps ( <i>Trupat e Mbrojtjes se Kosoves</i> (TMK) in Albanian)
KPS	Kosovo Police Service
KVM	Kosovo Verification Mission of the Organization for Security and Cooperation in Europe
LDK	Democratic League of Kosovo (Lidhja Demokratike te Kosove in Albanian)
LPK	People's Movement of Kosovo (Levizija Popullare e Kosoves in Albanian)
MTA	Military Technical Agreement

MUP	Serbian Ministry of Internal Affairs (Ministarstvo Unutrasnjih Poslova in Serbian)
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
OSCE	Organization for Security and Cooperation in Europe
OUP	Unit of Internal Affairs in the Serbian Ministry of Internal Affairs (Odeljenje Unutrasnjih Poslova in Serbian)
PJP	Serbian Special Police Units (Posebne Jedinice Polije in Serbian)
SAJ	Serbian Special Anti-terrorist Units (Specijalne Antiteroristicke Jedinice in Serbian)
SDB	State Security Service (Sluzba Drzavne Bezbednosti in Serbian)
Serbian cross	Serbian nationalist symbol, comprising a cross and four Cyrillic “S”s derived from the slogan “Only Unity Saves the Serbs” (Samo Sloga Srbina Spasava in Serbian)
SFRY	Socialist Federal Republic of Yugoslavia
SPS	Socialist Party of Serbia (Socijalisticka Partija Srbije in Serbian)
SRS	Serbian Radical Party (Srpska Radikalna Stranka in Serbian)
SUP	Secretariat for Internal Affairs in the Serbian Min-

	istry of Internal Affairs (Sekretarijat Unutrasnjih Poslova in Serbian)
UCK	Ushtria Clirimtare e Kosoves (Kosovo Liberation Army in English)
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIK	United Nations Interim Administration Mission in Kosovo
VJ	Yugoslav Army (Vojska Jugoslavije in Serbian)
WFP	World Food Programme
White Eagles	Serbian paramilitary formation
WHO	World Health Organization